

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Bogart C. Burick

Docket No. 5:16-MJ-1484-1

Petition for Action on Probation

COMES NOW Eddie J. Smith, Supervising U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Bogart C. Burick, who, upon an earlier plea of guilty to 18 U.S.C. § 13, assimilating N.C.G.S. 20-138.1, Driving While Impaired (Level 5), was sentenced by the Honorable Kimberly A. Swank, U.S. Magistrate Judge, on September 20, 2017, to 12 months probation under the conditions adopted by the court.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The defendant is supervised in the Central District of California Luis Trujillo-Garcia. Officer Trujillo-Garcia reports that the defendant submitted a urine sample on October 11, 2017, that tested positive for marijuana use. When confronted, the defendant admitted that he ingested marijuana on October 10, 2017. The defendant reported that he has a valid California medical marijuana card that authorizes him to purchase marijuana for medicinal purposes. He reports he uses marijuana for pain management and to treat his insomnia. Officer Trujillo-Garcia has explained to the defendant that the federal government does not recognize marijuana as a legal substance and his use must stop. The defendant has agreed to stop using marijuana as instructed. To monitor his use, Officer Trujillo-Garcia is recommending that the conditions be modified to allow for additional drug testing.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. Bogart C. Burick, as a special condition of supervision shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed six tests per month, as directed by the Probation Officer.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Eddie J. Smith

Eddie J. Smith

Supervising U.S. Probation Officer

150 Rowan Street Suite 110

Fayetteville, NC 28301

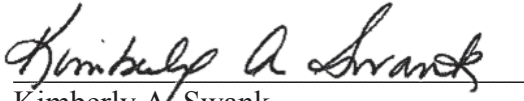
Phone: 910-354-2537

Executed On: October 26, 2017

Bogart C. Burick
Docket No. 5:16-MJ-1484-1
Petition For Action
Page 2

ORDER OF THE COURT

Considered and ordered this 26th day of October, 2017, and ordered filed and made a part of the records in the above case.

A handwritten signature in black ink, appearing to read "Kimberly A. Swank", is written over a horizontal line.

Kimberly A. Swank
U.S. Magistrate Judge